

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

REGINALD G. BAKER,)	4:14CV3103
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
LEIGH ANN RETELSDORF, TOM)	
RILEY, BRENDA LEUCK, and)	
RYAN LINDBERG,)	
)	
Defendants.)	

This matter is before the court on its own motion. Plaintiff filed a Complaint in this court on May 19, 2014, without payment of the court's filing and administrative fees. As set forth in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot:

[B]ring a civil action [in forma pauperis] . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\).](#)

The court has identified the following cases that may have been brought by Plaintiff that were dismissed because they were frivolous or malicious: *Baker v. Polk County, et al.*, 4:94CV70913-HDV (S.D. Iowa), dismissed as frivolous on February 6, 1995; *Baker v. State of Iowa, et al.*, 4:95CV80148-CRW (S.D. Iowa), dismissed as frivolous on March 7, 1995; *Baker v. Dodge County, et al.*, 8:96CV181-TMS (D. Neb.), dismissed as frivolous or malicious on July 3, 1996.

On the court's own motion, Plaintiff is ordered to show cause within 30 days of this court's Memorandum and Order why these cases should not be considered strikes against him per the terms of the PLRA, and why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. §1915\(g\)](#). Alternatively, Plaintiff may pay the court's \$400.00 filing and administrative fees within 30 days. In the absence of either, Plaintiff's Complaint and this matter will be dismissed without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff has 30 days from the date of this Memorandum and Order to show cause why the three cases referenced above should not be considered strikes against him per the terms of the PLRA, and why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. § 1915\(g\)](#). In the alternative, Plaintiff may pay the \$400.00 filing and administrative fees within 30 days. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.

2. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: July 1, 2014: Deadline for Plaintiff to show cause or pay fees.

DATED this 10th day of June, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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